IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

BUTTE DIVISION

UNITED STATES OF AMERICA,	)	**CV 04-58-BU-RFC**
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	**ORDER ADOPTING FINDINGS**
	)	**AND RECOMMENDATIONS OF**
YELLOWSTONE MOUNTAIN	)	**U.S. MAGISTRATE JUDGE**
CLUB, LLC.; YELLOWSTONE,	)	
DEVELOPMENT, LLC.; BLIXSETH	)	
GROUP, INC.; AND THE RANCHES	)	
AT YELLOWSTONE CLUB, LLC.	)	
	)	
Defendants.	)	
	)	

On September 19, 2005, United States Magistrate Judge Richard W. Anderson entered his Findings and Recommendation. Magistrate Judge Anderson recommends Defendants' motion to resolve dispute be granted and that the dispute be resolved by order of the District Court holding that the United States cannot impose stipulated penalties for defendants' failure to install culverts by October 2004.

Upon service of a magistrate judge's findings and recommendation, a party has 10 days to file written objections. 28 U.S.C. § 636(b)(1). In this matter, no party filed objections to the March 3, 2004 Findings and Recommendation. Failure to object to a magistrate judge's findings and recommendation waives all objections to the findings of fact. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1999). However, failure to object does not relieve this Court of its burden to review de novo the magistrate judge's conclusions of law. *Barilla v. Ervin*, 886 F.2d 1514, 1518 (9th Cir. 1989).

After an extensive review of the record and applicable law, this Court finds Magistrate Judge Anderson's Findings and Recommendation are well grounded in law and fact and adopts them in their entirety.

Accordingly, **IT IS HEREBY ORDERED** Defendants' motion to resolve dispute [*doc. #14*] is GRANTED. The United States cannot impose stipulated penalties for Defendants' failure to install culverts by October 2004.

The Clerk of Court shall notify the parties of the making of this Order.

DATED the 23d day of November, 2005.

_/S/ Richard F. Cebull _____
RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF MAILING
DATE: _____
BY: _____
I hereby certify that a copy of this Order was mailed to:
William Mercer
Leif Johnson
Thomas Sansonetti
Alan Greenberg
Stephen Brown, Jr.